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December 4, 2006

Chief Judge James M. Rosenbaum
United States District Court
15E U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: United States v. Bruce W. Betcher
Criminal No. 05-335

Dear Judge Rosenbaum:

In order to provide some context for Mr. Betcher's sentencing, I have obtained data about the sentences imposed in federal cases involving the manufacture of and distribution of child pornography. This information comes in two forms: statistics and reported decisions.

STATISTICS

The tables included here present data about the sentences that have been imposed for convictions for production and distribution of child pornography (18 U.S.C. §§ 2251 and 2252 respectively) from the Department of Justice's Bureau of Justice Statistics. The data show a trend of increasing sentences over the last decade for production of child pornography. Within the 10-year period, the mean sentence has more than doubled. However, even in 2004, the most recent year for which this sentencing data is available, the mean length of imprisonment for § 2251 convictions was 161.38 months.

For defendants convicted of distribution of child pornography, sentences have been somewhat stagnant, with a slight increase in the last decade. In 2004, the mean length of imprisonment was 59.62 months.

The data obtained from the BJS' Federal Statistics Program and a chart showing the trends in terms of imprisonment for producing and distributing child pornography is as follows:

18 U.S.C. s 2251

Imprisonment

Probation

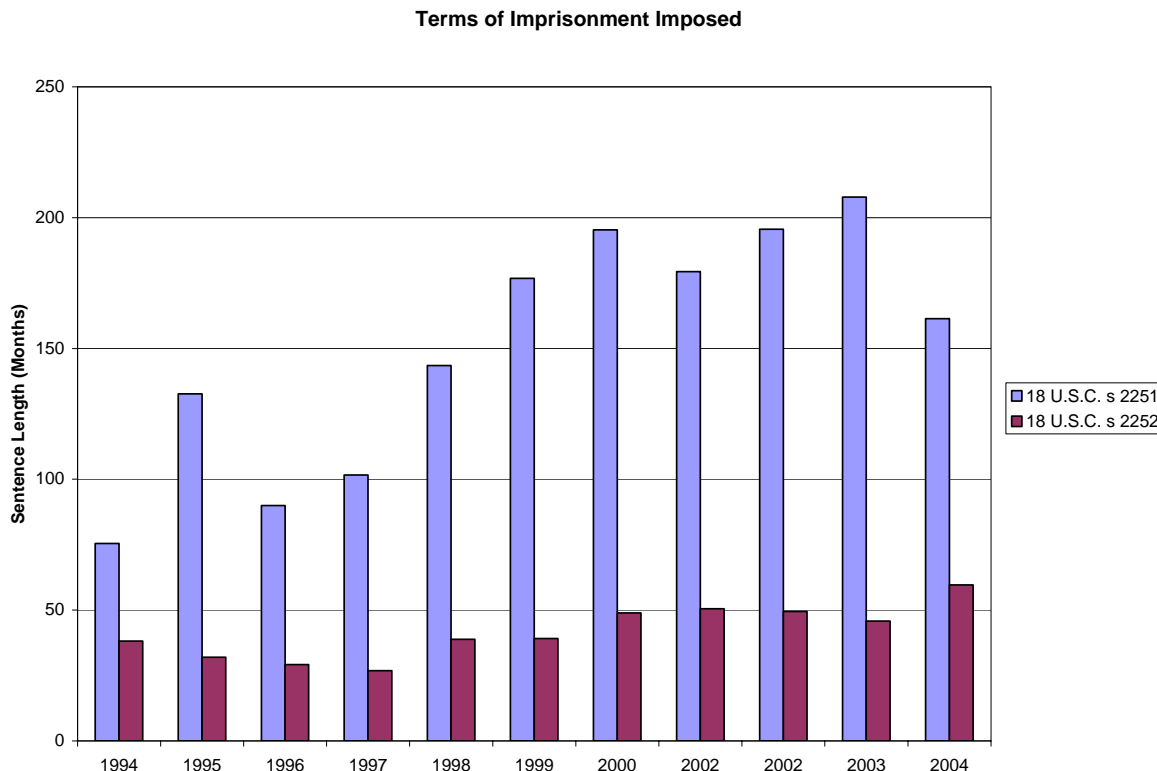
Year	# of Terms Imposed	Mean Length of Term	# of Terms Imposed	Mean Length of Term
1994	4	75.5	0	0
1995	6	132.64	0	0
1996	9	90	0	0
1997	16	101.63	2	42
1998	32	143.41	1	60
1999	21	176.81	0	0
2000	29	195.31	1	36
2002	38	179.34	1	24
2002	46	195.54	2	48
2003	59	207.86	1	36
2004	81	161.38	1	36

18 U.S.C. s 2252

Imprisonment

Probation

Year	# of Terms Imposed	Mean Length of Term	# of Terms Imposed	Mean Length of Term
1994	31	38.19	20	36.25
1995	40	31.95	17	36.71
1996	109	29.14	33	42.45
1997	183	26.79	55	47.44
1998	225	38.86	48	46.69
1999	313	39.13	55	45.11
2000	272	48.88	35	48
2002	174	50.48	26	50.69
2002	178	49.42	14	40.71
2003	185	45.86	23	47.61
2004	190	59.62	11	48



Data obtained from BJS' Federal Justice Statistics (<http://fjsrc.urban.org>).

PRECEDENT

In addition to the general sentencing data, sentences imposed in cases involving similar facts to those present in this case have been reported. These are summarized below.

In United States v. Bach, 400 F.3d 622 (8th Cir. 2005), the defendant took photos of a 16-year-old boy engaged in sexual activities. He uploaded the photos to his computer and distributed the photos to another minor with whom he corresponded. Bach was found guilty of three counts of possession and distribution of child pornography and one count of production. For distribution and possession, Bach was sentenced to concurrent sentences of 121 months, and for production Bach was sentenced to 180 months imprisonment to run concurrently with the other three sentences.

In United States v. Hampton, 260 F.3d 832 (8th Cir. 2001), the defendant was convicted of sexually abusing a 4-year old girl that he watched one day a week. Police found tapes documenting this abuse, and Hampton was charged with production and possession of child pornography. The defendant pled guilty to four counts of production and one count of possession. He was sentenced to three concurrent terms of 240 months imprisonment for production and a 60 month concurrent term of imprisonment for possession. For the fourth count of production, he was sentenced to a consecutive term of 53 months, which resulted in a total term of imprisonment of 293 months in prison.

Respectfully submitted,

s/Thomas H. Shiah
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